



BROOKLINE POLICE DEPARTMENT

Brookline, Massachusetts

DANIEL C. O'LEARY
CHIEF OF POLICE

Dear:

Thank you for coming to us to register your complaint. We are aware that you feel strongly about your experience or you would not have taken the trouble to contact us about your concerns. Please be assured that our interest is that you receive a timely, complete, and appropriate resolution of your complaint.

At the outset we want to make you aware of the procedures that will be followed in processing your complaint. The Board of Selectmen and Chief of Police have adopted a complaint review and disciplinary procedure which is contained in the Police Manual section on Policies and Procedures. This procedure, a summary of which is attached, will be followed in processing your complaint. You may also read the entire policy, which is titled Process for Police Department Discipline and Selectmen's Review, by viewing it on the Brookline Police Department website at www.brooklinema.gov/police.

UNDERSTANDING THE PROCESS

- You have filed a complaint with either the Police Department or the Board of Selectmen because you think a police officer or officers acted wrongly. What happens next?
- If you file your complaint in person, you will be given a copy of the completed Citizen Complaint Form and a brochure explaining the steps that will be followed in the complaint process.
- If you file your complaint by telephone, mail or e-mail, you will be mailed a copy of the Citizen Complaint Form and the brochure explaining the steps that will be followed in the complaint process no later than five business days after receipt of your complaint. The completed Citizen Complaint Form should be returned to the Police Department, with any additional pertinent information, as soon as possible.

THE INTERVIEW

- A police command officer (rank of Sergeant or higher) will interview you about your complaint. He or she will ask you questions about what happened. It is possible that the command officer may be able to explain the actions of the officers(s) to your satisfaction.
- You and your witnesses may have a representative of your choosing present with you during the interview.
- You will be asked to specify any information included in the complaint that you consider private and wish the Department keep confidential, to the extent doing so is permissible under the law.

THE INVESTIGATION

- If the matter was not resolved at the interview stage the Police Department will further investigate your complaint.
- The investigating officer, under most circumstances, will be the Detective Lieutenant who commands the Office of Professional Responsibility.

A. You should be aware of the rules we must follow as we proceed with the investigation of the complaint that you are registering. These are:

1. Since the officer is the one accused, we must follow the standard, honored rule of the American tradition of law and legal procedures: “a person is innocent unless and until proven guilty.” Final decisions will be based upon the preponderance of the evidence.
2. Some of the evidence that we may require to proceed with the investigation of your complaint is as follows:
 - a. The names of eyewitnesses to the event(s) you have described, as well as their addresses and telephone numbers.
 - b. Physical evidence that will support your allegations, which may include, but is not limited to:
 - (1) Documents
 - (2) Photographs
 - (3) Official and unofficial reports relating to the incident described
 - (4) Medical records and reports
 - (5) Any other information or material that will tend to support your statement

- All officers involved will be interviewed and witnesses whom you have named will be contacted and, if they agree, will be interviewed. You may be asked for more information.

COMPLAINT CLASSIFICATIONS

- All complaints are assigned a specific classification. The classifications are defined as follows and are assigned based on the nature and substance of the complaint.

Class A: allegations against an officer which, if true, could be construed as “serious”, including excessive use of force; malicious and illegal arrest; unreasonable deprivation of individual rights; biased conduct or behavior based on a person’s disability, ethnic origin, gender, race, religion, or sexual orientation; corruption; untruthfulness; criminal activity which could be construed as a felony; or violation of Department rules which might warrant more than a five day suspension.

Class B: any other allegations against an officer which, if true, could be construed as a violation of any laws, rules, regulations, or policies of the department, the Town, or the Commonwealth; or alleged discourteous conduct or language which would reflect negatively on the Department or the Town.

Class C: allegations which do not question the conduct of any officer, but rather raise issues relating to the appropriateness of Department procedures or policies.

Class D: allegations that are clearly frivolous or for other reasons do not merit disciplinary action.

- On each allegation set out in your citizen complaint, a finding will be made on the preponderance of the evidence.
- The prior history of citizen complaint(s) of the officer(s) will be reviewed and taken into consideration as a factor in determining a finding by the investigating officer.
- Most investigations are completed within 30 days. If you have any questions on the progress you may contact the Office of Professional Responsibility at (617) 730-2255.
- A report will then be prepared by the investigating officer.
- You will be furnished with a copy of the investigative report within seven days of its completion, provided that the Department may redact certain information in accordance with the Department’s Process for Police Department Discipline and Selectmen’s Review.
- The Chief of Police reviews every complaint after an investigation is completed and a report is written.
- You may submit written comments concerning the investigative report to the Chief of Police within 10 days of receipt of the report. Any comments submitted shall be appended to the investigative report.
- The Chief of Police may take action he/she deems appropriate on comments submitted, however, the Chief is not expected to negotiate with anyone concerning the content of the final report he/she submits to the Board of Selectmen.
- The Chief of Police then forwards his/her report along with the Office of Professional

Responsibility's report and investigative file, including any written comments that you may have submitted, to the Board of Selectmen, through the Town Administrator, for their review. The Chief's report sets forth the Department's finding on the Complaint and the reasons for that finding.

THE FINDINGS

On each allegation in the Complaint, a proposed finding based upon a preponderance of the evidence shall be made using the following categories and definitions. There are six possible findings:

- "Mediated" - both parties agree to a proposed and described disposition.
- "Sustained" - investigation indicates sufficient evidence to support the allegation.
- "Not Sustained" – allegation cannot be either proven or disproved.
- "Exonerated" – action complained of occurred but was reasonable and proper.
- "Unfounded" - investigation revealed that the alleged conduct did not occur.
- "Filed" – no action necessary or possible at this time.

AFTER THE FINDING / RIGHT TO APPEAL TO THE BOARD OF SELECTMEN

- You will be notified by certified mail of the Police Chief's finding in regard to your complaint, and be provided with an Internal Investigation Appeal Form.
- Any citizen who disagrees with the Police Chief's finding may, within twenty - one (21) days, appeal for review by the Board of Selectmen by submitting to the Town Administrator a completed Internal Investigation Appeal Form. The classification of the complaint may be the reason for such an appeal.

Once again, thank you for your time and concern.

Sincerely,

DCO/kaf

Daniel C. O'Leary
Chief of Police